

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 13377 OF 2024
IN
FIRST APPEAL NO. 1564 OF 2010

Hanoz Sam Lakdawalla

...Applicant

Versus

The Trust For Funds And Properties Of The Parsi
Panchayat At Bombay And Ors

...Respondents

Mr. Atharva Dandekar a/w Mr. Om Waghmode i/b Ms. Yogita Singh for
the Applicant.

Mr. Smith Colaco a/w Mr. Agnel Carneiro, Mr. Tushar Cooper i/b Mulla
and Mulla and CBC for Respondents.

CORAM : M.M. SATHAYE, J.

DATE : 8th JULY, 2025

P.C. :

1. Heard learned Counsel for the parties. This application is filed
in 2024 in a pending appeal of the year 2010, seeking following
prayers.

“a) Pending the hearing and final disposal of the present
First Appeal, this Hon'ble Court be pleased to restrain, by
Order of temporary injunction, the Respondents, their
servants, agents, or any person/s claiming through or under
them or acting on their behalf or at their behest from
carrying out any auction to give the Suit Flat (described at
para 3 above) on Leave and License:

b) Pending the hearing and final disposal of the present
First Appeal, this Hon'ble Court be pleased to restrain. by
Order of temporary injunction, the Respondents, their
servants, agents, or any person/s claiming through or under
them or acting on their behalf or at their behest from

allotting the Suit Flat (described at para 3 above) to any third party on Leave and License basis or otherwise disposing of, selling, alienating or otherwise creating any third party rights in respect thereof;"

2. A reply has been filed to the application from which, the admitted position emerging is that, suit property has been already given under leave and licence agreement to third party.

3. In that view of the matter, without entering into the merits of the interim relief sought or opposition as put up by the Respondent and without prejudice to the rights and contention of the rival parties, present application is disposed of.

(M.M. SATHAYE, J.)